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SENATE BILL 822

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO HEALTH; LIMITING CERTAIN MEDICAID PRIOR
AUTHORIZATION REQUIREMENTS FOR MEDICATIONS PRESCRIBED FOR
PERSONS WITH SEVERE MENTAL ILLNESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-2C-3 NMSA 1978 (being Laws 2002,
Chapter 105, Section 3) is amended to read:

"27-2C-3. MEDICAID FORMULARY FOR PRESCRIPTION DRUGS. --

A. The department shall develop or implement a
formulary or preferred drug list, [~~that will consider~~] taking
into consideration the clinical efficacy, safety and cost
effectiveness of a product.

B. The department shall ensure that the
administration or delivery of health care services and products
under the medicaid program includes a formulary that will

1 provide medically appropriate drug therapies for patients.

2 C. The department shall require a prior
3 authorization before a drug not listed on the medicaid program
4 formulary may be dispensed unless otherwise provided pursuant
5 to Subsection C of Section [~~4 of the Pharmaceutical~~
6 ~~Supplemental Rebate Act~~] 27-2C-4 NMSA 1978.

7 D. Requirements for prior authorization shall not
8 apply to prescription drugs, including atypical antipsychotic
9 and conventional antipsychotic medications, prescribed for
10 medicaid patients being treated for severe mental illnesses
11 that are listed in a current national diagnostic and
12 statistical manual of mental disorders published by a national
13 psychiatric association, including schizophrenia, clinical
14 depression, bipolar disorder, anxiety-panic attack disorder and
15 obsessive compulsive disorder. "

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underscored material = new
[bracketed material] = delete